



The Attorney General of Texas

October 14, 1980

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Mr. Bruce Hineman
Acting Executive Secretary
Teacher Retirement System of Texas
1001 Trinity Street
Austin, Texas 78701

Open Records Decision No. 253

Re: Whether a list of the amount of teacher retirement funds paid to individual employees is available for the use of a legislator

Dear Mr. Hineman:

You have requested our opinion under the Open Records Act, article 6252-17a, V.T.C.S., as to whether a list of the amount of teacher retirement funds paid to individual employees is available for the use of a legislator.

Section 3(a)(1) of the act excepts from disclosure "information deemed confidential by law." Article 6228k, section 7, V.T.C.S., provides:

Records of all individual members and beneficiaries in the custody of statewide retirement systems are personnel records and are deemed to be confidential information under the provisions of Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), except that information in the records may be transferred between statewide retirement systems to the extent necessary to administer the Act.

Although members of the legislature are granted certain special rights of access to information under sections 3(b) and 14(c) of the Open Records Act, such privileges do "not extend to information excepted from disclosure by statute or common law, i.e., by section 3(a)(1)." Open Records Decision No. 237 (1980). Thus, with regard to the particular information about which you inquire, a legislator has no greater right of access than any member of the public.

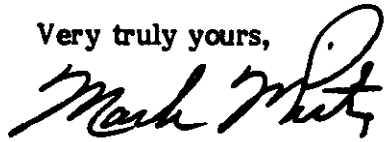
Section 7 of article 6228k would clearly prohibit the release of the names of individual retirees matched with the amounts they have received from a statewide retirement system. The request specifies, however, that the list "need not include the names of retired employees." In our opinion, the mere disclosure of amounts paid to individuals does not contravene the

statutory prohibition, so long as the information released does not furnish a basis for identification of any employee.

In Attorney General Opinion H-529 (1975), this office held that section 51.14 of the Family Code, which prohibits the disclosure of files "relating to a child," does not proscribe the release of non-identifying information which categorizes offenses on the basis of the age, sex and race of the offender, and the nature of the crime. The opinion said that section 51.14 does not preclude disclosure of "general statistical data which provides no real opportunity for identification." See also Open Records Decision No. 165 (1977).

In our opinion, this principle is equally applicable to teacher retirement information. So long as the information disclosed does not furnish a basis for identification of a retiree, it should be released.

Very truly yours,



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